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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,033	07/08/2003	Travis J. Parry	200207045-1	3944

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EXAMINER

BEATTY, ROBERT B

ART UNIT PAPER NUMBER

2852

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,033

Applicant(s)

PARRY ET AL.

Examiner

Robert Beatty

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-26, 28-33 and 35-41 is/are pending in the application.
4a) Of the above claim(s) 17-21 is/are withdrawn from consideration.
5) ☒ Claim(s) 1-6, 14-16, 22-26 and 28-33 is/are allowed.
6) ☒ Claim(s) 8-13, 35-41 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The abstract of the disclosure is objected to because it should be more than one sentence. Correction is required. See MPEP § 608.01(b).

2. Claims 3-4 are objected to because of the following informalities:

in claim 3, the applicant describes uploading the firmware from the memory module to the printing device however the applicant has amended the base claim to have firmware interface which is uploaded while the firmware is not uploaded. See spec. paragraphs 22 and 29.

claim 15 should be rewritten so as not to have an indentation before "toner cartridge".

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-10,12-13,35-38,40-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirst et al.

Hirst et al. teach an image forming device 10 having a replaceable unit 18 such as a toner cartridge and a memory 19 attached to the replaceable unit. The

memory has software or firmware patches (code). Thus Hirst et al. teach the storing of firmware on a memory module, the attaching of the memory module to the replaceable unit, and installing the replaceable unit in the image forming apparatus.

Upon attaching the replaceable unit to the image forming device, a communication interface will occur between the memory and the microcomputer controller 30, wherein the patches or upgrades will be written to a memory 33 associated with the microcomputer. As described in col.5, lines 54-65, the memory will have a flag bit, instruction address or other similar scheme to determine whether the firmware (software upgrade) is different than the one stored in the ROM of the image forming apparatus. Upon determination of the flag bit, instruction address, or other similar scheme, the firmware will be uploaded or not. Thus the examiner believes that Hirst et al. fairly teaches the uploading of new (different) software updates when the image forming apparatus has a different (older) version

The image forming apparatus has a printing device controller (microcomputer 30) and a memory (ROM 32).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirst et al. as applied to claims 8-10,12-13,35-38,40-41 above, and further in view of Kojima et al.

Hirst et al. teach most of what is claimed except requiring a password/authentication for allowing the upgrade of firmware to take place. Kojima et al. teach an image forming apparatus 2 having an associated controller 1 and means to update control information in the controller via a detachable IC card 200. A password ID must be matched before the update occurs (col.6, lines 9-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to require a password ID to allow the update of certain control information because only the proper qualified person can be allowed to perform the update which will minimize updating errors.

5. Claims 1-6,14-16,22-26,28-33 appear to be allowable over the prior art of record.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Beatty whose telephone number is (571) 272-2130. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read 'Robert Beatty', with a long horizontal flourish extending to the right.

Robert Beatty
Primary Examiner
Art Unit 2852

June 25, 2005